THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946 (XX OF 1946)

G. N., Lab. & H. D., No. 22/48 (II), dated 20th February 1952 (B. G., Pt. IV-A, p. 309). S. 14

In exercise of the powers conferred by section 14 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), the Government of Bombay is pleased to exempt the Government Central Distillery, Nasik Road, from the provisions of the said Act.

G. N., Lab. & H. D., No. 22/48 (II), dated 18th March 1952 (B.G., Pt. IV-A, p. 348). S. 14

In exercise of the powers conferred by section 14 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), the Government of Bombay is pleased to exempt the Government Transport Service, Bombay, from the provisions of the said Act.

G. N., Lab. Deptt., No. 22/48, dated 4th November 1948 (B. G., Pt. IV-A, p. 456).

S. 15. Bombay Industrial Employmen (Standing Orders) Rules, 1948.

Amended by G. N., Lab. & H. D., No. 22/48, dated 28th February 1951.

Amended by G. N., Lab. &. H. D., No. 22/48 (II), dated 15th May 1952.

In exercise of the powers conferred by section 15 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), the Government of Bombay is pleased to make the following rules, namely :—

1. *Short title.*—These rules may be called " the Bombay Industrial Employment (Standing Orders) Rules, 1948 ".

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " Act " means the Industrial Employment (Standing Orders) Act, 1946 ;

(*b*) " Form " means a form set out in Schedule II appended to these rules.

3. *Model Standing Orders.*—The model standing orders for the purpose of the Act shall be those set out in Schedule I appended to these rules.

4. *Particulars of workmen.*—The draft standing orders submitted to the Certifying Officer shall be accompanied by separate statements in Form A in respect of (*i*) workmen and (*ii*) clerks other than clerks, giving the following particulars, namely :—

(*a*) the total number of workmen employed in the industrial establishment ;

(*b*) the number of permanent workmen, probationers, " badlis ", or substitutes, temporary workmen, apprentices and part-time workmen ;

(*c*) the name of the trade union or unions, if any, of which the workmen are members.

5. (*a*) A group of employers in similar industrial establishments may submit a joint draft of standing orders, provided that five times as many copies of the draft shall be made as the number of industrial establishments to which the joint draft is to apply.

(*b*) Such joint draft shall be accompanied by statements prescribed by rule 4 in respect of each of the industrial establishments.

6. *Notice to workmen.*—On receipt of the draft standing orders submitted by an employer the Certifying Officer shall, as soon as practicable,—

(*i*) cause copies thereof together with notice in Form B to be affixed on the notice board of the industrial establishment concerned for the information of the workmen of the said establishment, and

(*ii*) shall forward by registered post copies of the draft standing orders and of the notice in Form B together with notice in Form C to the trade union or unions named by the employer in the statement submitted by him in Form A and to any other trade union or unions which in the opinion of the Certifying Officer are concerned with the establishment.

7. (1) *Representatives of workmen.*—Where there is no trade union in an industrial establishment, the Certifying Officer shall cause a meeting of the workmen to be held, on a date fixed by him for the purpose, for the election of two representatives of the workmen concerned from among themselves.

(2) The Certifying Officer may require the employer or an officer of the industrial establishment to display a notice of the date, time and place of the meeting in a prominent place at or near the main gate of the establishment.

(3) The meeting shall be convened, and presided over by the Certifying Officer or such person as the Certifying Officer may by special or general order specify for the purpose.

(4) The workmen declared elected at the meeting by the person presiding shall be the representatives of the workmen for the purposes of the Act and these rules.

8. *Authentication of Standing Orders.*—The Standing Orders certified by the Certifying Officer or the appellate authority shall be authenticated by affixing thereto the seal of the Certifying Officer or the appellate authority, as the case may be.

9. *Register of Standing Orders.*—The register of standing orders required to be maintained under section 8 shall be in Form D.

10. *Fees.*—The fee payable for furnishing a copy of the standing orders under section 8 shall be nine pies for every 25 words or fraction thereof. For certified copies an additional nine pies per 100 words or fraction thereof shall be charged, and on the total amount payable for a certified copy a surcharge of 25 per cent. shall be levied.

11. *Procedure in appeal.*—(1) Any person desiring to prefer an appeal against an order of the Certifying Officer shall draw up a Memorandum of Appeal setting out the grounds of appeal and forward it to the Registrar of the Industrial Court in quadruplicate, accompanied by a certified copy of the standing orders.

(2) The Industrial Court shall after giving the appellant an opportunity of being heard, unless it comes to the conclusion that the decision of the Certifying Officer is contrary to law or otherwise erroneous, confirm the standing orders as certified by him.

(3) Where the Industrial Court does not confirm the standing orders it shall fix a date for the hearing of the appeal and direct notice thereof to be given—

(*a*) where the appeal is filed by the employer or a workman, to trade unions of the workmen of the industrial establishment and where there are no such trade unions to the representatives of workmen elected in accordance with the provisions of rule 6, or

(*b*) where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the establishment, or

(*c*) where the appeal is filed by the representatives of the workmen, to the employer,

(*d*) to any other workman whom the Industrial Court joins as a party to the appeal.

(3*A*) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(4) The Industrial Court may at any stage call for any evidence it considers necessary for the disposal of the appeal.

(5) On the date fixed under sub-rule (3) for the hearing of the appeal, the Court shall take such evidence as it may have called for or considers to be relevant.

12. The following additional matters shall be included in the Schedule to the Act after items 1 and 7 thereof respectively, namely :—

1A. Workmen's tickets and registers.

7A. Closing and reopening of the entire industrial establishment or departments thereof and the rights and liabilities of the employer and workmen arising therefrom.

SCHEDULE I.

Model Standing Orders.

A.—For Workmen doing manual labour.

1. These Orders shall come into force on the.....day of.....19... and shall apply to all workmen employed in the establishment to do manual labour.

2. In these Orders, unless there is anything repugnant in the subject or context,—

(*a*) " the establishment " means* .....
.....

(*b*) " Manager " means the person for the time being managing the establishment,

(*c*) " Proprietor " means the person having ultimate control over the affairs of the establishment,

(*d*) " Ticket " includes a card, pass or token.

3. (1) Workmen shall be classified as —

(*a*) permanent workmen ;
(*b*) probationers ;
(*c*) " badlis " or substitutes ;
(*d*) temporary workmen ;
(*e*) casual workmen ; and
(*f*) apprentices.

(2) (*a*) " Permanent workman " means a workman whose appointment has been confirmed in writing by the Manager or by a person authorised in this behalf by the Manager and includes a workman who has completed a probationary period of three months in the aggregate in the same or another occupation in the establishment.

(*b*) " Probationer " means a workman who is provisionally employed to fill a permanent vacancy or post, and who has not completed three months' service in the aggregate in that post.

(*c*) " Badli " or substitute means a workman who is appointed to the post of a permanent workman or prabationer who is temporarily absent and whose name is entered in the badli register.

* Here insert the name in full of the establishment and the place and district in which it is situated.

(*d*) "Temporary workman" means a workman who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional workman in connection with temporary increase in work of a permanent nature.

(*e*) "Casual workman" means a workman who is employed for work which is essentially of an occasional or casual nature.

(*f*) "Apprentice" means a workman who is a learner and is paid an allowance during the period of his training:

Provided that no workman shall be classified as an apprentice if he has had training for an aggregate period of one year.

4. If a permanent workman is employed as a probationer in a new post he may, at any time during the probationary period be reverted to his old permanent post by an order in writing signed by the Manager.

5. (1) For each class of workmen specified in clause (1) of Standing Order 3 a distinctive ticket shall be provided bearing the name of the class.

(2) Every workman shall be given a ticket bearing—

(*i*) the name of the department in which he is working;

(*ii*) his number.

(3) Every workman shall, when entering the establishment, deliver up his ticket at the place provided, and shall show his ticket whenever required (except when it is not in his possession by reason of having been so delivered) to any person authorised by the Manager in this behalf.

(4) The days on which a "badli" works in the establishment shall be entered on his ticket.

6. Notices showing the periods and hours of work for every class and group of workmen in the establishment and for each shift shall be displayed on notice-boards maintained for the purpose in the departments concerned, at the time-keeper's office and at or near the main entrance of the establishment.

7. Notices specifying (*a*) the weekly holiday under section 35 of the Factories Act, 1934, (*b*) the dates on which compensatory holidays, if any, under section 35A of the Factories Act, 1934, will be allowed and (*c*) the days on which wages are to be paid, shall be displayed on the notice boards at the time keeper's office and at or near the main entrance to the establishment.

8. Notices specifying the rates of wages, showing separately the allowances, if any, payable to each class of workmen and for each class of work shall be displayed in a conspicuous position in the departments in which the workmen concerned are working.

9. (1) An unclaimed wage pay day for each week (i.e. a day on which wages due to a workman but not paid on the usual pay day on account of their being unclaimed, are to be paid) shall be notified on the notice boards along with the notices to be displayed under Standing Order 7.

(2) The unclaimed amount of wages due to a workman shall be paid on the days notified under this Standing Order and on the unclaimed wages pay day following the date on which a substantiated claim was presented by the workman, or on his behalf, by his legal representative.

10. (1) (*a*) More than one shift may be worked in a department or section of a department at the discretion of the Manager.

(*b*) If more than one shift is worked in the establishment, workmen shall be liable to be transferred from one shift to another.

(*c*) Whenever an additional shift is started or shifts are altered or discontinued, a seven days' notice shall be given to the workmen but if as a result of the discontinuance of the shift any permanent workman is likely to be discharged, a notice of one month will be given.

(*d*) If as a result of discontinuance of shift working, any permanent workmen are likely to be discharged, they shall be discharged having regard to the length of their service in the establishment and the department concerned, those with the shortest term of service being discharged first.

(*e*) On restarting a shift, notice thereof shall be given in a newspaper having wide local circulation; and the workmen discharged as a result of discontinuance of the shift shall, if they present themselves within seven days of the publication of the notice, be given preference for employment according to their length of service.

(2) The Manager may close down any department or section of a department after giving one month's notice to the workmen. Before reopening such department or section, as the case may be, seven days' notice thereof shall be given.

(3) The Manager may close down the whole establishment after giving one month's notice to the workmen. Seven days' public notice of the restarting of the establishment shall be given.

(4) Notices of—

(*i*) starting, restarting, alteration and discontinuance of shift working,

(*ii*) the closure and reopening of a department or section of a department, and

(*iii*) the closure and reopening of the establishment,

shall be displayed in the time-keeper's office, at the main entrance to the establishment and at the gate or gates appointed under Standing Order 16, and in the case of a department or section, also in the department concerned.

(5) On the reopening of a department or section or the establishment, as the case may be, preference for employment will be given to the workmen whose services were terminated on account of the closure according to their length of service, provided that they present themselves for service at the latest by the day of the reopening.

11. (1) All workmen shall be at work in the establishment at the times fixed and notified. Workmen attending late shall be liable to the deductions provided for in the Payment of Wages Act, 1936.

(2) Any workman, who after delivering his ticket is found absent from his proper place of work during working hours without permission or without sufficient reason, shall be liable to be treated as absent for the period of his absence.

(3) Deductions from wages for the periods of absence under clauses (1) and (2) of this Standing Order may be made in accordance with the provisions of the Payment of Wages Act, 1936, in all cases to which they apply.

12. Holidays with pay shall be allowed in accordance with the provisions of the Factories Act, 1934.

13. (1) Grant of leave to a workman shall depend on the exigencies of the establishment and shall be at the discretion of the Manager.

(2) A workman who desires to obtain leave of absence shall apply in writing to the Manager or any officer appointed for the purpose by the Manager. Such application for leave should be made at least seven days before the date from which leave is to commence, except in urgent cases or unforeseen circumstances when it is not possible to do so. The Manager or any officer empowered by him in this behalf shall issue orders on such application within three days of the presentation of the application and in cases of an urgent nature immediately. If the leave asked for is granted, a leave pass showing the date from which the leave of absence commences and the date on which the workman will have to resume duty shall be issued to the workman. Where leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the workman so desires a copy of such entry in the register shall be supplied to him.

(3) If a workman after proceeding on leave desires an extension thereof, he shall make an application for the purpose to the Manager, either in writing or orally. A written reply either of the grant or refusal of extension of leave shall be sent to the workman at the address given by him if such reply is likely to reach him before the expiry of the leave originally granted to him.

(4) A workman remaining absent beyond the period of leave originally granted or subsequently extended, shall be liable to lose his lien on his appointment unless he returns within eight days of the expiry of the sanctioned leave and explains to the satisfaction of the authority granting leave his inability to resume his duty immediately on the expiry of his leave. A workman who loses his lien under the provisions of this Standing Order but reports for duty within fifteen days of the expiry of his leave shall be kept as a " badli " if he so desires and his name shall thereupon be entered in the " badli " register. A workman not reporting for duty within fifteen days of the expiry of his leave shall be treated as having left the service from the date he was due to return to work.

14. (1) Every workman shall be entitled to casual leave.

(2) Casual leave shall be non-cumulative and no leave of any kind may be combined with casual leave.

(3) Except for emergent reasons, casual leave shall be limited to three days at a time. Casual leave is intended to meet special or unforeseen circumstances for which provision cannot be made by exact rules.

(4) Gazetted and public holidays and Sundays cannot be prefixed or suffixed to casual leave, except with the previous permission of the Manager.

(5) Ordinarily, the previous permission of the Manager or of the head of the department shall be obtained before taking such leave. When this is not possible, the Manager or the head of the department shall, as soon as may be practicable, be informed in writing or orally through any person of the absence from work and of the probable duration of such absence.

15. Except in the case of casual workers, a record shall be maintained in a register of all leave of absence which is sanctioned, refused or postponed and reasons for refusal or postponement shall in every case be entered therein.

16. No workman shall enter or leave the premises of the establishment except by the gate or gates appointed for the purpose.

17. (1) Any workman may, when leaving the premises of the establishment, be searched at the point of exit by the gateman.

(2) Any female worker may be detained by the gateman for search by a female searcher, if acting without malice he suspects that she is in wrongful possession of property belonging to the establishment.

(3) Every search shall be conducted in the presence of not less than two persons and a woman worker shall not be searched in the presence of any male person, except with her consent.

(4) Subject to the provisions of the above clauses, any member of a Joint Committee or Works Committee may be present at a search made under this Standing Order.

18. (1) In the event of a fire, catastrope, breakdown of machinery, stoppage of power supply, an epidemic, civil commotion or other cause beyond the control of the Manager, the Manager may, at any time without notice or compensation in lieu of notice stop any machine or department wholly or partially or the whole or part of the establishment for a reasonable period.

(2) In the event of a stoppage under clause (1) during working hours, the workmen affected shall be notified, as soon as practicable, when work will be resumed and whether they are to remain or leave the establishment. The period of detention in the establishment shall not ordinarily exceed one hour after the commencement of the stoppage. If the period of detention does not exceed one hour, workmen so detained shall not be paid for such period. If the period of detention in the establishment exceeds one hour, workmen so detained shall be entitled to receive wages (including all allowances) for the whole of the time during which they are detained in the establishment as a result of the stoppage. In the case of piece-rate workmen the average daily earnings for the previous month shall be taken to be the daily wages.

(3) Wherever practicable, reasonable notice shall be given of the resumption of normal work, and all such workmen played off under this Standing Order who present themselves for work, when work is resumed, shall be given preference for employment.

(4) All notices required to be given under this Standing Order shall be displayed on notice boards at the time-keeper's office and at the main entrance to the establishment. Where a notice pertains to a particular department or departments only, it shall also be displayed in the department concerned.

19. In cases where workmen are played off under Standing Order 18, they shall be considered as temporarily unemployed and the period of such unemployment shall be treated as leave with pay to the extent such leave is admissible and leave without pay for the balance of the period. When, however, workmen have to be played off for an indefinite period exceeding two months, their services may be terminated after giving them due notice or pay in lieu thereof.

20. Workmen may be played off due to shortage of orders, temporary curtailment of production or similar reasons and consequent stoppage of any machine or department for a period not exceeding six days in the aggregate (excluding statutory holidays) in any month, provided that seven days' notice is given. A workman played off under this Standing Order for more than five days in a month may, on being played off, leave his employment on intimation of his intention to do so.

21. The Manager may, in the event of a strike affecting either wholly or partially any section or department of the establishment, close down either wholly or partially such section or department as well as any other sections or departments affected by such closing down. The fact of such closure shall be notified by notices displayed upon the notice boards in departments concerned, in the time-keeper's office, at the main entrance to the establishment and at the gate or gates appointed under Standing Order 16 as soon as practicable. The workmen concerned shall also be notified by a general notice put up at the places where notices of closure mentioned above are to be displayed, prior to the resumption of work as to when work will be resumed.

22. (1) The employment of a permanent workman may be terminated by giving fourteen days' notice or by payment of thirteen days wages (including all allowances) in lieu of notice. If he draws wages on a piece-rate basis, wages shall be computed on the average daily earnings of such workman for the days he actually worked during the previous wage period.

(2) The reasons for the termination of service of a permanent workman shall be recorded in writing and shall be communicated to him, if he so desires at the time of discharge, unless such communication, in the opinion of the Manager, may directly or indirectly lay the Manager open to criminal or civil proceedings at the instance of the workman.

(3) Save as otherwise provided in Standing Order 20, a permanent workman desirous of leaving the service shall give in writing fourteen days' notice to the Manager.

(4) If a permanent workman leaves the service without giving notice, no deduction on that account shall be made from his wages, but he shall be liable to be sued for damages.

(5) A workman, other than a permanent workman, may leave or be discharged from service without notice or pay in lieu of notice.

(6) Where the employment of any workman is terminated or when he leaves the service, the wages earned by him and all other sums due to him, shall be paid to him before the expiry of the second working day from the day on which he leaves the service or his employment is terminated.

(7) An order of termination of service shall be in writing and shall be signed by the Manager and a copy thereof shall be supplied to the workman concerned. In cases of general retrenchment, closing down of departments or termination of service as a result of a strike, no such order will be given.

23. The following acts and omissions on the part of a workman shall amount to misconduct :—

(*a*) wilful insubordination or disobedience, whether or not in combination with another, of any lawful and reasonable order of a superior ;

(*b*) going on an illegal strike or abetting, inciting, instigating or acting in furtherance thereof ;

(*c*) wilful slowing down in performance of work, or abetment, or instigation thereof ;

(*d*) theft, fraud or dishonesty in connection with the employers' business or property ;

(*e*) taking or giving bribes or any illegal gratification ;

(*f*) habitual absence without leave, or absence without leave for more than ten consecutive days or overstaying the sanctioned leave without sufficient grounds or proper or satisfactory explanation ;

(*g*) late attendance on not less than four occasions within a month ;

(*h*) habitual breach of any Standing Order or any law applicable to the establishment or any rules made thereunder ;

(*i*) collection without the permission of the Manager of any money within the premises of the establishment except as sanctioned by any law for the time being in force ;

(*j*) engaging in trade within the premises of the establishment ;

(*k*) drunkenness, riotous, disorderly or indecent behaviour on the premises of the establishment ;

(*l*) commission of any acts subversive of discipline or good behaviour on the premises of the establishment ;

(*m*) habitual neglect of work, or gross or habitual negligence ;

(*n*) habitual breach of any rules or instructions for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the establishment ;

(*o*) frequent repetition of any act or omission for which a fine may be imposed under the Payment of Wages Act, 1936 ;

(*p*) canvassing for union membership or the collection of union dues within the premises of the establishment, except in accordance with any law or with the permission of the Manager ;

(*q*) wilful damage to work in process or to any property of the establishment ;

(*r*) holding meetings inside the premises of the establishment without the previous permission of the Manager or except in accordance with the provisions of any law for the time being in force ;

(*s*) disclosing to any unauthorised person any information in regard to the processes of the establishment which may come into the possession of the workman in the course of his work ;

(*t*) gambling within the premises of the establishment.

24. (1) A workman guilty of misconduct may be—

(*a*) warned or censured, or

(*b*) fined subject to and in accordance with the provisions of the Payment of Wages Act, 1936, or

(*c*) suspended by an order in writing signed by the Manager for a period not exceeding four days, or dismissed without notice.

(2) No order under sub-clause (*b*) of clause (1) shall be made unless the workman concerned has been informed in writing of the alleged misconduct or given an opportunity to explain the circumstances alleged against him.

(3) No order of dismissal under sub-clause (*c*) of clause (1) shall be made except after holding an enquiry against the workman concerned in respect of the alleged misconduct in the manner set forth in clause (4).

(4) A workman against whom an inquiry has to be held shall be given a charge-sheet clearly setting forth the circumstances appearing against him and requiring explanation. He shall be given an opportunity to answer the charge and permitted to be defended by a workman working in the same department as himself. Except for reasons to be recorded in writing by the officer holding the inquiry, the workman shall be permitted to produce witnesses in his defence and cross-examine any witnesses on whose evidence the charge rests. A concise summary of the evidence led on either side and the workman's plea shall be recorded.

(5) A workman against whom any action is proposed to be taken under sub-clause (*b*) or (*c*) of clause (1) may be suspended pending the enquiry or for the period, if any, allowed to him for giving his explanation. The order of suspension, may take effect immediately on its communication to the workman. If as a result of the enquiry held or explanation tendered, it is decided not to take any action under clause (1), the workman shall be deemed to have been on duty and. shall be entitled to full wages and all privileges for the period of suspension.

(6) In awarding punishment under this Standing Order the Manager shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist :

Provided that in the case of workmen to whom the provisions of clause (*2*) of article 311 of the Constitution of India apply, the provisions of that article shall be complied with.

25. A workman may be warned or censured, or, subject to and in accordance with the provisions of the Payment of Wages Act, 1936, fined for any of the following acts and omissions :—

(*a*) absence without leave without sufficient cause ;

(*b*) late attendance ;

(*c*) negligence in performing duties ;

(*d*) neglect of work ;

(*e*) absence without leave or without sufficient cause from the appointed place of work ;

(*f*) entering or leaving, or attempting to enter or leave the premises of the establishment except by a gate or entrance appointed ;

(*g*) committing nuisance on the premises of the establishment ;

(*h*) breach of any rule or instruction for maintenance or running of any department.

26. (1) Any workman desirous of the redress of a grievance arising out of his employment or relating to unfair treatment or wrongful exaction on the part of a superior shall, either himself or through a trade union of which he is a member, submit a complaint to the Manager or any officer appointed by the Manager in this behalf.

(2) The Manager or any such officer personally investigate the complaint at such times and places as he may fix. The workman and—

(*i*) any other workman of his choice or

(*ii*) where the complaint is made through a trade union, a member of the union, shall have the right to be present at such investigation. Where the complainant alleges unfair treatment or wrongful exaction on the part of a superior, a copy of the order finally made by the Manager shall be supplied to the complainant if he asks for one. In other cases the decision of the investigating officer and the action, if any, taken thereon by the Manager shall be intimated to the complainant :

Provided that complaints relating to assault or abuse by any person holding a supervisory position or refusal of an application for urgent leave shall be enquired into immediately by the Manager or such other officer or officers as he may appoint.

27. The decision of the Manager upon any question arising out of, in connection with, or incidental to these Standing Orders shall be subject to an appeal to the *managing agent.

*proprietor, except where the manager is himself the proprietor.

28. Every workman other than a casual workman who leaves service, or retires, or is dismissed or discharged shall without avoidable delay be given a service certificate if he asks for one.

29. (*a*) Notices to be exhibited or given under these Standing Orders shall be in English and also in the principal regional language of the district in which the establishment is situated.

(*b*) (*i*) Any notice, order, charge-sheet, communication or intimation which is personal, i.e., is meant for an individual workman and is given in writing under these Standing Orders, shall be in the language understood by the workman concerned.

(*ii*) Before such a notice, order, charge-sheet, communication or intimation is handed over to the workman it shall be read out and explained to him if he so desires.

30. Nothing contained in these Standing Orders shall operate in derogation of any law for the time being, in force or to the prejudice of any right under an agreement or contract of service, custom, usage, or award applicable to the establishment.

B.—For Clerks.

1. These Orders shall come into force on the .....day of.....19 , and shall apply to all workmen employed in the establishment to do clerical labour.

2. In these Orders, unless there is anything repugnant in the subject or context,—

(*a*) "Clerk" means a workman employed to do clerical labour.

(*b*) "The establishment" means †.....

(*c*) "Manager" means the person for the time being managing the establishment.

3. (1) Clerks shall be classified as—

(*a*) permanent clerks;

(*b*) probationers;

(*c*) temporary clerks;

(*d*) part-time clerks.

* Delete whichever inapplicable.

† Here insert the name in full of the establishment and place and district in which the establishment is situated.

(2) (*a*) " Permanent clerk " means a clerk whose appointment has been confirmed in writing by the Manager or any other officer authorised in that behalf and includes a clerk who has completed a probationary period of three months in the aggregate in the same or another clerical post in the establishment, whether or not he may be acting in a supervisory post.

(*b*) " Probationer " means a clerk who is provisionally employed to fill a permanent vacancy or post and who has not completed three months' service in the aggregate in a clerical post in the establishment.

(*c*) " Temporary clerk " means a clerk who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional clerk in connection with temporary increase in work of a permanent nature.

(*d*) " Part-time clerk " means a clerk who is employed to do work for less than the normal period of working hours.

4. Every clerk at the time of his appointment, confirmation, promotion or re-classification shall be given a written order specifying his appointment, confirmation, promotion or re-classification, as the case may be, and signed by the Manager.

5. (*a*) Notices showing the periods and hours of work for every class and group of clerks in the establishment and for each shift shall be displayed on notice boards maintained for the purpose in the departments concerned, at the time-keeper's office and at or near the main entrance to the establishment.

(*b*) Any clerk required to work for a different period shall be notified to that effect in advance.

6. (1) Notices specifying (*i*) the weekly holiday, (*ii*) the dates on which compensatory holidays, if any, will be allowed, and (*iii*) the days on which wages are to be paid, shall be displayed on the notice boards.

(2) Any clerk required to work on a weekly holiday in accordance with law shall be personally notified to that effect in advance. The clerk deprived of any of the holidays notified under clause (1) as a result of his working on such holidays shall be allowed, as soon as circumstances permit and at the discretion of the Manager, compensatory holidays equal in number to the holidays so lost.

7. A register specifying basic starting salary, grades and scales of pay, if any, for each class of clerk and for each class of work shall be maintained and be open to inspection on two working days in each month.

8. (1) (*a*) More than one shift may be worked in a department or section of a department at the discretion of the Manager.

(*b*) If more than one shift is worked in the establishment, clerks shall be liable to be transferred from one shift to another.

(*c*) Whenever an additional shift is started or shifts are altered or discontinued, a seven days' notice shall be given, but if as a result of the discontinuance of the shift any permanent clerk is likely to be discharged, a notice of one month will be given.

(*d*) If as a result of discontinuance of shift working, any permanent clerks are likely to be discharged, they shall be discharged having regard to the length of the service in the establishment and the department concerned, those with the shortest term of service being discharged first.

(*e*) On restarting a shift, notice thereof shall be given in a newspaper having wide local circulation and the clerks discharged as a result of discontinuance of the shift shall, if they present themselves within seven days of the publication of the notice, be given preference for employment according to their length of service.

(2) The Manager may close down any department or section of a department after giving one month's notice to the clerks. Before reopening such department or section, as the case may be, seven days' notice thereof shall be given.

(3) The Manager may close down the whole establishment after giving one month's notice to the clerks. Seven days' public notice of the restarting of the establishment shall be given.

(4) Notices of—

(*i*) starting, restarting, alteration and discontinuance of shift working,

(*ii*) the closure and reopening of a department or section of a department, and

(*iii*) the closure and re-opening of the establishment,

shall be displayed in the time-keeper's office at the main entrance to the establishment and at the entrances or entrance appointed under Standing Order 18, and in the case of a department or section, also in the department concerned.

(5) On the reopening of a department or section or the establishment, as the case may be, preference for employment will be given to the clerks whose services were terminated on account of the closure according to their length of service, provided that they present themselves for service at the latest by the day of the reopening.

9. (1) All clerks shall be at work in the establishment at the time fixed and notified. Clerks attending late shall be liable to the deductions provided for in the Payment of Wages Act, 1936.

(2) Any clerk who is found absent from his proper place of work during working hours without permission or without sufficient reason shall be liable to be treated as absent for the period of his absence.

(3) Deductions may be made from wages for the periods of absence under clause (1) and (2) in accordance with the provisions of the Payment of Wages Act, 1936, in all cases to which it applies.

10. Weekly holidays and compensatory holidays where admissible, shall be allowed on full wages (including allowances).

11. (1) Grant of leave to a clerk shall depend on the exigencies of the establishment and shall be at the discretion of the Manager.

(2) The Manager may require a clerk applying for sick leave to produce a medical certificate in support of his application from a registered medical practitioner, a registered "vaid" or a registered "hakim", and where practicable may require the applicant to be examined by the medical officer appointed for the purpose.

12. Sick leave, if due, shall be granted in continuation of maternity leave for female clerks subject to the provisions of clause (2) of Standing Order 11.

13. Leave without pay may at the discretion of the Manager in special circumstances be granted to a clerk when no other leave of any kind is due.

14. All holidays, including the weekly holidays, falling within the period of any kind of leave, shall be treated as leave.

15. (1) A clerk who desires to obtain leave of absence other than casual leave or sick leave, shall apply in writing to the Manager or any officer appointed for the purpose by the Manager. Such application for leave shall normally be made at least one month before the date from which the leave is to commence, except in urgent cases or unforeseen circumstances when it is not possible to do so.

(2) If a clerk after proceeding on leave desires an extension thereof, he shall make an application in writing to the Manager. A written reply either of the grant or refusal of extension of leave shall be sent to him at the address given by him if such reply is likely to reach him before the expiry of the leave originally granted to him.

16. (1) Every clerk shall be entitled to casual leave.

(2) Casual leave shall be non-cumulative and no leave of any kind may be combined with casual leave.

(3) Except for emergent reasons, casual leave shall be limited to three days at a time. Casual leave is intended to meet special or unforeseen circumstances for which provision cannot be made by exact rules.

(4) Gazetted and public holidays and Sundays cannot be prefixed or suffixed to casual leave except with the previous permission of the Manager.

(5) Ordinarily, the previous permission of the Manager or of the head of the department shall be obtained before taking such leave. When this is not possible the Manager or the head of the department shall, as soon as may be practicable, be informed in writing or orally through any person of the absence from work and of the probable duration of such absence.

17. A record shall be maintained in a register of all leave of absence which is sanctioned, refused or postponed, and reasons for refusal or postponment shall in every case be entered therein. The register shall be open to inspection by any clerk.

18. No clerk shall enter or leave the premises of the establishment except by the entrances appointed for the purpose.

19. (1) Any clerk may, when leaving the premises of the establishment, be searched at the point of exit by an officer appointed for the purpose by the Manager.

(2) Any female clerk may be detained by such officer for search by a female searcher, if acting without malice he suspects that she is in wrongful possession of property belonging to the establishment.

(3) Every search shall be conducted in the presence of not less than two persons, and a female clerk shall not be searched in the presence of any male person, except with her consent.

(4) Subject to the provisions of the above clauses, any member of a Joint Committee or Works Committee may be present at a search made under this Standing Order.

20. In the event of the closure of the establishment or a department or part thereof, if the services of a permanent clerk are dispensed with, he shall when the establishment or part thereof, as the case may be, is restarted be given an opportunity to serve in a post substantially similar in pay and status to the post he was holding at the time of the closure provided he reports for duty within three days of the reopening, of which fifteen days' general notice shall be given in a local newspaper having wide circulation.

21. (1) The employment of a permanent clerk may be terminated by one month's notice or on payment of one month's wages (including all allowances) in lieu of notice.

(2) The reasons for the termination of service of a permanent clerk shall be recorded in writing and shall be communicated to him, if he so desires, at the time of discharge, unless such communication, in the opinion of the Manager, is likely directly or indirectly to lay any person open to civil or criminal proceedings at the instance of the clerk.

(3) Any permanent clerk desirous of leaving service shall give one month's notice in writing to the Manager. He shall, when he leaves the service, be given an order of relief signed by the Manager.

(4) If any permanent clerk leaves the service without giving notice, he shall be liable to be sued for damages.

(5) All classes of clerks other than those appointed on a permanent basis may leave their services; or the same may be terminated without notice or pay in lieu of notice; but the services of a temporary clerk shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in Standing Order 23.

(6) Where the employment of any clerk is terminated or when he leaves the service, the wages earned by him and all other sums due to him shall be paid before the expiry of the second working day from the day on which his employment is terminated or he leaves the service.

(7) An order relating to discharge or termination of service shall be in writing and shall be signed by the Manager. A copy of such order shall be supplied to the clerk concerned. In cases of general retrenchment, closing down, strike or lock out no such orders may be given.

22. Any of the following acts or omissions on the part of a clerk shall amount to misconduct :—

(*a*) wilful insubordination or disobedience, whether or not in combination with another, of any lawful and reasonable order of a superior;

(*b*) going on an illegal strike or abetting, inciting, instigating or acting in furtherance thereof;

(*c*) wilful slowing down in performance of work, or abetment or instigation thereof;

(*d*) theft, fraud or dishonesty in connection with the employer's business or property;

(*e*) taking or giving bribes or any illegal gratification;

(*f*) absence without leave or overstaying sanctioned leave, without sufficient grounds or proper or satisfactory explanation;

(*g*) late attendance on not less than four occasions within a month;

(*h*) habitual breach of any Standing Order or any law applicable to the establishment or any rules made thereunder;

(*i*) collection without the permission of the Manager of any money within the premises of the establishment except as sanctioned by any law for the time being in force;

(*j*) engaging in trade within the premises of the establishment;

(*k*) drunkenness, riotous, disorderly or indecent behaviour on the premises of the establishment;

(*l*) commission of any act subversive of discipline or good behaviour on the premises of the establishment;

(*m*) habitual neglect of work, or gross or habitual negligence;

(*n*) habitual breach of any rules or instructions for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the establishment;

(*o*) frequent repetition of any act or omission for which a fine may be imposed under the Payment of Wages Act, 1936;

(*p*) canvassing for union membership, or the collection of union dues within the premises of the establishment, except in accordance with any law or with the permission of the Manager;

(*q*) wilful damage to work in process or to any property of the establishment;

(*r*) holding meetings inside the premises of the establishment without the previous permission of the Manager or except in accordance with the provisions of any law for the time being in force;

(*s*) disclosing to any unauthorised person any information in regard to the processes of the establishment which may come into the possession of the clerk in the course of his work;

(*t*) gambling within the premises of the establishment.

23. (1) A clerk guilty of misconduct may be—

(*a*) warned or censured, or

(*b*) fined subject to and in accordance with the provisions of the Payment of Wages Act, 1936, or

(*c*) suspended by an order in writing signed by the Manager for a period not exceeding four days, or dismissed without notice.

(2) No order under sub-clause (*b*) of clause (1) shall be made unless the clerk concerned has been informed in writing of the alleged misconduct or given an opportunity to explain the circumstances alleged against him.

(3) No order of dismissal under sub-clause (*c*) of clause (1) shall be made except after holding an enquiry against the clerk concerned in respect of the alleged misconduct in the manner set forth in clause (4).

(4) A clerk against whom an inquiry has to be held shall be given a charge-sheet clearly setting forth the circumstances appearing against him and requiring explanation. He shall be given an opportunity to answer the charge and permitted to be defended by a clerk working in the same department as himself. Except for reasons to be recorded in writing by the officer holding the inquiry, the clerk shall be permitted to produce witnesses in his defence and cross-examine any witnesses on whose evidence the charge rests. A concise summary of the evidence led on either side and the clerk's plea shall be recorded.

(5) A clerk against whom any action is proposed to be taken under sub-clause (*b*) or (*c*) of clause (1) may be suspended pending the enquiry or for the period, if any, allowed to him for giving his explanation. The order of suspension may take effect immediately on its communication to the clerk. If as a result of the enquiry held or explanation tendered, it is decided not to take any action under clause (1), the clerk shall be deemed to have been on duty and shall be entitled to full wages and all privileges for the full period of the suspension.

(6) In awarding punishment under this Standing Order the Manager shall take into account the gravity of the misconduct, the previous record, if any, of the clerk and any other extenuating or aggravating circumstances that may exist :

Provided that in the case of clerks to whom the provisions of clause (2) of article 311 of the Constitution of India apply, the provisions of that article shall be complied with.

24. A clerk may be warned, censured or fined for any of the following acts and omissions :—

(*a*) absence without leave without sufficient cause ;

(*b*) late attendance ;

(*c*) negligence in performing duties ;

(*d*) neglect of works ;

(*e*) absence without leave or without sufficient cause from the appointed place of work ;

(*f*) entering or leaving, or attempting to enter or leave the premises of the establishment except by a gate or entrance appointed ;

(*g*) committing nuisance on the premises of the establishment ;

(*h*) breach of any rule or instruction for maintenance or running of any department :

Provided that no clerk shall be fined, where the provisions of the Payment of Wages Act, 1936, apply, except in accordance with such provisions.

25. (1) Any clerk desirous of the redress of a grievance arising out of his employment or relating to unfair treatment or wrongful exaction on the part of a superior shall either himself or through a trade union of which he is a member submit a complaint to the Manager or any officer appointed by the Manager in this behalf.

(2) The Manager or any such officer shall personally investigate the complaint at such times and places as he may fix. The clerk and—

(*i*) any other clerk of his choice, or

(*ii*) where the complaint is made through a trade union, a member of the union,

shall have the right to be present at such investigation. Where the complainant alleges unfair treatment or wrongful exaction on the part of a superior, a copy of the order finally made by the Manager shall be supplied to the complainant if he asks for one. In other cases the decision of the investigating officer and the action, if any, taken thereon by the Manager shall be intimated to the complainant :

Provided that complaints relating to assault or abuse by any person holding a supervisory position or refusal of an application for urgent leave shall be enquired into immediately by the Manager or such other officer or officers as he may appoint.

26. The decision of the Manager upon any question arising out of, in connection with, or incidental to these Standing Orders shall be subject to an appeal to the *Managing agent/proprietor, except where the Manager is himself the proprietor.

27. Every clerk other than a temporary clerk who leaves service, or retires or is dismissed or discharged shall without avoidable delay be given a service certificate if he asks for one.

* Delete whichever inapplicable.

28. (*a*) Notices to be exhibited or given under these Standing Orders shall be in English and also be in the principal regional language of the district in which the establishment is situated.

(*b*) (*i*) Any notice, order, charge-sheet, communication or intimation which is personal i.e. is meant for an individual clerk and is given in writing under these Standing Orders shall be in the language understood by the clerk concerned.

(*ii*) Before such a notice, order, charge-sheet, communication or intimation is handed over to the clerk it shall be read out and explained to him if he so desires.

29. Nothing contained in these Standing Orders shall operate in derogation of any law for the time being in force or to the prejudice of any right under an agreement or contract of service, custom, usage, or award applicable to the establishment.

SCHEDULE II.

FORM A.

(*See* rule 4.)

Particulars of Workmen.

Name of the industrial establishment.....

Address .....

Serial No.	Name and address of the union or unions to which workmen belong.	Whether registered (if so, give registered No.).	Whether recognised by the employer.	Name and address of the (*a*) President and (*b*) Secretary of the union.	Approximate number of members belonging to the industrial establishment as known to the employer.	Total number of workmen in the establishment.
1	2	3	4	5	6	7

Number of Permanent workmen.	Number of Probationers.	Number of badlis.	Number of Temporary workmen.	Number of apprentices.	Number of part time workmen.	Remarks
8	9	10	11	12	13	14

..... Signature ....

Dated the... .....19 . Designation.....

FORM B.

(*See* rule 6.)

Form of Notice.

Draft Standing Orders having been submitted by the*.....
....., any objection of the workmen thereto should be submitted to me within fifteen days from the date of this notice.

Date .....

Labour Commissioner.
Certifying Officer.

*Enter name of the industrial establishment.

FORM C.

(*See* rule 6.)

Notice to trade union.

Address :

A copy of the draft Standing Orders submitted by.....under section 3 of the Industrial Employment (Standing Orders) Act, 1946, is enclosed.

You are hereby required, within 15 days of the receipt of this notice, to intimate to the undersigned in writing your objections, if any, to the draft Standing Orders.

If no objections are received within the period mentioned above, it will be assumed that you do not desire to submit any.

Date.....

Commissioner of Labour.
Certifying Officer.

To†.....

†Enter name of trade union, and where there is no trade union, that of representative of workers.

FORM D.

(*See* ruie 9.)

Register of Standing Orders.

Serial No.	Name of industrial establishment.	Date of receipt of the draft standing orders.	Date of issue of notice under section 5 to the union or workmen.	Date of receipt of the notice under section 5 by the union or workmen.	Date of certification of the standing orders by the Certifying Officer.
1	2	3	4	5	6

Date of coming into force of the standing orders.	Signature of the Certifying Officer.	Whether standing orders were appealed against.	Whether standing orders were confirmed or modified in appeal.	Date of coming into force of the standing orders as confirmed or modified by the Appellate Authority.	Remarks
7	8	9	10	11	12